333, a bill to promote elder justice, and for other purposes.

S. 416

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 416, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 480

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 606

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 736

At the request of Mr. ENSIGN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 852

At the request of Mr. DASCHLE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 853

At the request of Ms. SNOWE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 853, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the medicare program.

S. 939

At the request of Mr. HAGEL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 939, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

S. 953

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 953, a bill to amend chapter 53 of title 5, United States Code, to provide special pay for board certified Federal Employees who are employed in health science positions, and for other purposes.

S. 985

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1019

At the request of Mr. DEWINE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S . 1019, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 1197

At the request of Mr. ENZI, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1197, a bill to amend the Public Health Service Act to ensure the safety and accuracy of medical imaging examinations and radiation therapy treatments.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1396

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1396, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1531

At the request of Mr. HATCH, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. MILLER) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1557

At the request of Mr. SARBANES, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1601

At the request of Mr. CAMPBELL, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1601, a bill to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes.

S. RES. 209

At the request of Mr. JEFFORDS, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Delaware (Mr. CARPER), the Senator from North Dakota (Mr. CONRAD), the Senator from Hawaii (Mr. INOUYE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 209, a resolution recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. RES. 222

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S . Res. 222, a resolution designating October 17, 2003 as ''National Mammography Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1609. A bill to make aliens ineligible to receive visas and exclude aliens from admission into the United States for nonpayment of child support; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Parental Responsibility Obligations Met Through Immigration System Enforcement Act, or PROMISE Act. Sadly, there are many in our society who do not honor their child support obligations, and ultimately, it is the children who are hurt by such irresponsibility. Shockingly, many foreign nationals are able to benefit from our immigration laws notwithstanding their failure to live up to their child support obligations. As a matter of sound policy, our immigration laws should require those who wish to come into or remain in our country to comply with our moral and ethical standards. Let us be clear in our message. If you do not live up to your financial obligations to your own children, then you are not welcome in the United States.

I am introducing this legislation now because it is time to do something to protect many children who are economically disadvantaged or neglected. These children need clothes, food, and shelter—basic necessities of life. Moreover, when the deadbeat parents fail to meet their obligations to their own children, it is our society and our taxpayers who must pick up the cost. Of course, we will do what we have to for the children in our country, but we need to hold the parents responsible and impress upon them we will no

longer tolerate their irresponsible attitude toward their own children.

Specifically, this legislation amends the current Immigration and Nationality Act, section 212(a), to include failure to pay child support as a ground of inadmissibility. It will also amend section 101(f) of the Immigration and Nationality Act so that one who fails to pay child support is statutorily without good moral character. The legislation will cover not only orders from a court in the United States but also foreign courts with which our Federal or State governments have reciprocity agreements. As such, deadbeat parents cannot use the United States as a haven from child support enforcement by other governments.

In conclusion, we must be mindful that permission to enter the United States is a privilege and not a right. We will not grant this privilege to individuals who do not respect the law of our Nation, the laws of their home country, or their moral duty to provide for their children.

I ask for your support of the PROMISE Act.

Mr. HATCH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Parental Responsibility Obligations Met through Immigration System Enforcement Act'' or ''PROMISE Act''.

SEC. 2. ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.

Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

''(F) NONPAYMENT OF CHILD SUPPORT.—

''(i) IN GENERAL.—Except as provided in clause (ii), an alien who is legally obligated under a judgment, decree, or order to pay child support and whose failure to pay such child support has resulted in an arrearage is inadmissible.

''(ii) EXCEPTION.—An alien described in clause (i) may be admissible when child support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.''.

SEC. 3. EFFECT OF NONPAYMENT OF CHILD SUPPORT ON ESTABLISHMENT OF GOOD MORAL CHARACTER.

Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (8), by striking the period at the end and inserting ''; or''; and

(2) by inserting after paragraph (8) the following:

''(9) one who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 212(a)(10)), and whose failure to pay such child support has resulted in any arrearage, unless support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.''.

SEC. 4. AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS.

Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

''(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

''(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States, legal process with respect to any action to enforce a legal obligation of an individual to pay child support (as defined in section 459(i) of the Social Security Act).

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons, or other similar process that is issued by—

''(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

''(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.''.

SEC. 5. AUTHORIZATION TO OBTAIN INFORMATION ON CHILD SUPPORT PAYMENTS BY ALIENS.

Section 453(h) of the Social Security Act (42 U.S.C. 653(h)) is amended by adding at the end the following:

''(4) PROVISION TO ATTORNEY GENERAL AND SECRETARY OF STATE OF INFORMATION ON PERSONS DELINQUENT IN CHILD SUPPORT PAYMENTS.—On request by the Attorney General, Secretary of Homeland Security, or the Secretary of State, the Secretary of Health and Human Services shall provide the requestor with such information as the Secretary of Health and Human Services determines may aid them in determining whether an alien is delinquent in the payment of child support.''.

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date that is 90 days after the date of enactment of this Act and shall apply to aliens who apply for benefits under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on or after such effective date.

By Mr. BAYH (for himself and Mr. KERRY):

S. 1610. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure the adequate funding of pension plans, and for other purposes; to the Committee on Finance.

Mr. BAYH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1610

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Defined Benefit Pension Plan Reform Act of 2003''.

SEC. 2. MULTIEMPLOYER PLAN EMERGENCY INVESTMENT LOSS RULE.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 412(b)(7) of the Internal Revenue Code of 1986 (relating to special rules for multiemployer plans) is amended by adding at the end the following:

''(F) EMERGENCY INVESTMENT LOSS METHOD.—

''(i) IN GENERAL.—In lieu of amortizing net experience loss as prescribed in paragraph (2)(B)(iv), a multiemployer plan may elect to use the emergency investment loss method described in this subparagraph, starting with the first plan year in which there is an emergency investment loss.

''(ii) EMERGENCY INVESTMENT LOSS.—An emergency investment loss for any plan year beginning on or after July 1, 1999, and ending before January 1, 2004, is the amount (if any) by which—

''(I) the fair market value of the plan's assets as of the last day of the plan year, is less than

''(II) the fair market value which would have been determined if the plan's earnings for the plan year had been equal to the projected investment return based on the actuarial interest rate under paragraph (5)(A) for the plan year, applied to the fair market value of assets as of the beginning of the year and noninvestment cash flows during the year.

''(iii) AMORTIZATION OF EMERGENCY INVESTMENT LOSS.—The funding standard account shall be charged with the amounts necessary to amortize in equal annual installments (until fully amortized) the plan's emergency investment loss over a period of 30 plan years.

''(iv) TREATMENT OF ADJUSTED NET ACTUARIAL EXPERIENCE.—If an election is in effect for any plan year described in clause (ii)—

''(I) any net experience gain otherwise determined for such year under paragraph (2)(B)(iv) shall be increased by an amount equal to the emergency investment loss for such year, and

''(II) any net experience loss otherwise determined for such year under paragraph (3)(B)(ii) shall be reduced by the emergency investment loss for such year, except that if such emergency investment loss exceeds such net experience loss, the excess shall be treated as a net experience gain for such year for purposes of paragraph (2)(B)(iv).''

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 302(b)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(b)(7)) is amended by adding at the end the following:

''(F)(i) In lieu of amortizing net experience loss as prescribed in paragraph (2)(B)(iv), a multiemployer plan may elect to use the emergency investment loss method described in this subparagraph, starting with the first plan year in which there is an emergency investment loss.

''(ii) An emergency investment loss for any plan year beginning on or after July 1, 1999, and ending before January 1, 2004, is the amount (if any) by which—

''(I) the fair market value of the plan's assets as of the last day of the plan year, is less than

''(II) the fair market value which would have been determined if the plan's earnings for the plan year had been equal to the projected investment return based on the actuarial interest rate under paragraph (5)(A) for the plan year, applied to the fair market value of assets as of the beginning of the year and noninvestment cash flows during the year.

''(iii) The funding standard account shall be charged with the amounts necessary to amortize in equal annual installments (until fully amortized) the plan's emergency investment loss over a period of 30 plan years.

''(iv) If an election is in effect for any plan year described in clause (ii)—

''(I) any net experience gain otherwise determined for such year under paragraph (2)(B)(iv) shall be increased by an amount equal to the emergency investment loss for such year, and

''(II) any net experience loss otherwise determined for such year under paragraph (3)(B)(ii) shall be reduced by the emergency

investment loss for such year, except that if such emergency investment loss exceeds such net experience loss, the excess shall be treated as a net experience gain for such year for purposes of paragraph (2)(B)(iv).''

(c) ELECTION PROCEDURE.—

(1) IN GENERAL.—The Secretary of the Treasury shall prescribe a procedure under which multiemployer plans that elect to use the emergency investment loss method described in section 412(b)(7)(F) of the Internal Revenue Code of 1986 and section 302(b)(7)(F) of the Employee Retirement Income Security Act of 1974 may do so either by starting the special amortization periods in the actuarial valuations for each of the affected plan years or by starting with a cumulative emergency investment loss and adjusted net actuarial experience (based on the outstanding balance of the experience gain bases for the affected plan years, reduced by the cumulative emergency investment loss) in the actuarial valuation for the last plan year ending before January 1, 2004.

(2) FILING PERIOD.—The procedures described in paragraph (1) shall provide a period of not less than 210 days after the date of enactment of this Act for multiemployer plans to file Schedule Bs (relating to actuarial information under the plan) to the Form 5500 Annual Reports for the plan years for which the emergency investment loss method is elected, including amended Schedule Bs for annual reports previously filed.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after June 30, 1999.

SEC. 3. MORTALITY TABLE ADJUSTMENT.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 412(l)(7)(C) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(iv) SEPARATE MORTALITY TABLES FOR BLUE-COLLAR AND WHITE-COLLAR WORKERS.—

''(I) IN GENERAL.—Notwithstanding clause (ii), in the case of plan years beginning after December 31, 2003, the Secretary shall establish separate mortality tables for blue-collar workers and white-collar workers which may be used (in lieu of the tables under clause (ii)) to determine current liability under this subsection. For this purpose, the Secretary shall take into account the Society of Actuaries RP–2000 Mortality Table, as adjusted to take into account the collar adjustment prescribed in such table to reflect the workforce covered by the plan.

''(II) CLASSIFICATION OF WORKERS.—For purposes of this clause, individuals shall be classified as blue-collar or white-collar workers under rules prescribed by the Secretary. In prescribing such rules, the Secretary shall treat professional employees (within the meaning of section 410) as white-collar workers.

''(III) CONSISTENT USE.—If an employer elects to use the tables prescribed under subclause (I) for any plan established or maintained by the employer, the employer shall use the tables for all such plans other than a plan for which use of the tables is prohibited under regulations prescribed by the Secretary.''.

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 302(d)(7)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(d)(7)(C)) is amended by adding at the end the following:

''(iv) SEPARATE MORTALITY TABLES FOR BLUE-COLLAR AND WHITE-COLLAR WORKERS.—

''(I) IN GENERAL.—Notwithstanding clause (ii), in the case of plan years beginning after December 31, 2003, the Secretary of the Treasury shall establish separate mortality tables for blue-collar workers and white-collar workers which may be used (in lieu of the tables under clause (ii)) to determine current liability under this subsection. For this purpose, the Secretary of the Treasury shall take into account the Society of Actuaries RP–2000 Mortality Table, as adjusted to take into account the collar adjustment prescribed in such table to reflect the workforce covered by the plan.

''(II) CLASSIFICATION OF WORKERS.—For purposes of this clause, individuals shall be classified as blue-collar or white-collar workers under rules prescribed by the Secretary of the Treasury. In prescribing such rules, the Secretary of the Treasury shall treat professional employees (within the meaning of section 410 of the Internal Revenue Code of 1986) as white-collar workers.

''(III) CONSISTENT USE.—If an employer elects to use the tables prescribed under subclause (I) for any plan established or maintained by the employer, the employer shall use the tables for all such plans other than a plan for which use of the tables is prohibited under regulations prescribed by the Secretary of the Treasury.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SEC. 4. MODIFICATION OF FULL-FUNDING LIMITATION FOR PURPOSES OF DEDUCTION LIMITS ON EMPLOYER PENSION CONTRIBUTIONS.

(a) IN GENERAL.—Section 404(a)(1)(A) of the Internal Revenue Code of 1986 (relating to limitation on deductibility of employer contributions) is amended by adding at the end the following: ''In determining the full funding limitation for purposes of the preceding sentence for any year beginning after December 31, 2003, the amount determined under section 412(c)(7)(A)(i) shall in no event be treated as being less than 130 percent of current liability (including the expected increase in current liability due to benefits accruing during the year).''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2003.

SEC. 5. REQUIRED NOTIFICATION OF PARTICIPANTS AND BENEFICIARIES OF PLAN TERMINATIONS BY PENSION BENEFIT GUARANTY CORPORATION.

(a) IN GENERAL.—Section 4042(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342(b)) is amended by adding at the end the following:

''(4)(A) Not later than 30 days after the corporation notifies a plan administrator under this subsection regarding the commencement of proceedings to terminate a plan under this section, the corporation shall provide notice of such proceedings to affected parties as provided in this paragraph. The notice shall state that such termination is intended, the proposed termination date, and the procedure for such termination under this section.

''(B) Upon notice to the plan of the commencement of proceedings, the plan administrator shall provide the corporation with a list of the names and addresses of all participants and beneficiaries of the plan.

''(C) The corporation shall provide—

''(i) written notice to each affected party of the plan; and

''(ii) notice in the 2 newspapers with the largest circulation in the area of the majority of the affected parties.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to proceedings commenced after the date of enactment of this Act.

By Mr. SPECTER:

S. 1611. A bill to provide for the establishment of a commission to conduct a study concerning the overtime regulations of the Department of Labor, to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I sought recognition to introduce legislation to create a commission on overtime pay.

Yesterday, the Senate passed an amendment to preclude Federal funding for the regulation issued by the Department of Labor on overtime pay, and it is uncertain what will happen as the bill goes to conference. There has been a representation that the President will veto the appropriations bill on Labor, Health and Human Services, and Education if this regulation is not in the bill.

It seems to me we ought to be taking another step, and that is to create a commission to deal with this issue so we are prepared in any eventuality. There is no doubt that the 1945 regulations on the Fair Labor Standards Act, that those regulations are vastly out of date and they ought to be revised. There are many lawsuits, some class actions, to determine what the definitions are for those who are or who are not covered by overtime pay that ought to be clarified. Clarification can be achieved without having the massive disruption on the change on overtime pay for so many in the workforce.

A change in the overtime pay for those in the workforce would be especially problematic given the economic situation at hand, that it is a difficult time and there ought not to be that kind of disruption which would be occasioned by this bill, by the regulations going into effect.

Even though the Department of Labor's propose legislation stated that the Department could not exactly clarify which workers would be exempt or not exempt based on the current and the proposed rules, the commission which I am proposing would have representatives from business, the public sector, the labor groups, with widespread approval from congressional leaders, and is a preferable course so we can achieve both objectives; that is, to have clarification on the outdated regulations to avoid the litigation and know who is exempt and who is not exempt while doing it without massive disruption of the overtime pay at a very difficult time for the workers.

To reiterate, today I am introducing legislation to establish a commission to conduct a thorough study of issues relating to modernization of the Fair Labor Standards Act overtime provisions. These provisions have remained substantially unchanged since 1975, despite changes in the modern work place.

On March 31, 2003, the Labor Department issued proposed regulations to update the exemptions from overtime pay for executive, administrative, professional, outside sales and computer employees. More than 70,000 comments were received by the June 30, 2003 deadline. Due to the controversy generated by the proposed regulations, I held a hearing on July 31, 2003 to explore this

complex question. We heard testimony from the Labor Department, as well as organized labor and business representatives. It was evident that while there was general agreement that greater clarity of definitions concerning overtime pay eligibility would be beneficial to both employees and workers there was disagreement about the impact of the proposed regulations, and no consensus about how to achieve greater clarity and compliance to avoid costly lawsuits. Even the Labor Department's proposed regulations stated that the Department could not exactly clarify which workers are exempt and non-exempt based on the current and proposed rules.

The commission I am proposing will bring together experts to study these ambiguities and other issues deemed appropriate, and report to the Secretary of Labor and Congress by July 30, 2004. The legislation also specifies that the proposed overtime regulation will not become effective until 60 days after the date the commission report is submitted.

The commission will be composed of 11 members representing organized labor, the business community, the general public and Federal officials. The commission members will be appointed on a bipartisan, bicameral basis and shall be appointed by the Secretary of Labor, and the House and Senate appropriations and authorizing committees.

The primary duties of the commission will be to conduct a thorough study of, and develop recommendations on, issues relating to the modernization of the overtime provisions of the Fair Labor Standards Act of 1938.

Specifically the commission will:

(1) Review categories and numbers of workers not eligible for overtime pay under current regulations and identify how many workers and employers might be affected by proposed changes to the current regulation;

(2) Determine if the proposed regulation relating to overtime is sufficiently clear to be easily understood by employers and workers;

(3) Assess the paperwork burden that employers would have in order to assure that each individual worker, claimed to be exempt from such overtime requirements, actually is exempt under such regulation;

(4) Assess the extent to which it will be clear to the individual worker as to his or her overtime pay protection under the proposed regulation; and

(5) Determine the impact of the regulation on nurses, pharmacists, and police, firefighters and paramedics.

Given the extreme controversy over the proposed overtime regulation, I believe that the legislation that I am proposing will provide an opportunity for all sides to air the concerns and work with the Secretary of Labor to craft a regulation that will benefit employers, employees and the general public.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMISSION ON OVERTIME REGULATIONS.

(a) ESTABLISHMENT OF COMMISSION.—There is established the Commission on Overtime Regulations (in this section referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 11 members of whom—

(A) 1 member shall be appointed by the Secretary of Labor from the general public;

(B) 1 member shall be a representative of business to be nominated by the United States Chamber of Commerce and appointed by the Secretary of Labor;

(C) 1 member shall be a representative of organized labor to be nominated by the AFL-CIO and appointed by the Secretary of Labor;

(D) 1 member shall be appointed by the chairman of the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) 1 member shall be appointed by the ranking minority member of the Committee on Health, Education, Labor, and Pensions of the Senate;

(F) 1 member shall be appointed by the chairman of the Committee on Appropriations of the Senate;

(G) 1 member shall be appointed by the ranking minority member of the Committee on Appropriations of the Senate;

(H) 1 member shall be appointed by the chairman of the Committee on Education and the Workforce of the House of Representatives;

(I) 1 member shall be appointed by the ranking minority member of the Committee on Education and the Workforce of the House of Representatives;

(J) 1 member shall be appointed by the chairman of the Committee on Appropriations of the House of Representatives; and

(K) 1 member shall be appointed by the ranking minority member of the Committee on Appropriations of the House of Representatives.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

(c) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall conduct a thorough study of, and develop recommendations on, issues relating to the modernization of the overtime provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) in order to promote clarity and compliance. In conducting such study the Commission shall—

(A) review the categories and number of workers not eligible for overtime pay under current regulations under the Fair Labor Standards Act of 1938 and identify how many workers and employers might be affected by proposed changes to such regulations;

(B) determine if the proposed regulation relating to overtime is sufficiently clear to be easily understood by employers and workers;

(C) assess the paperwork burden that employers would have in order to assure that each individual worker, claimed to be exempt from such overtime requirements, actually is exempt under such regulation;

(D) assess the extent to which it will be clear to the individual worker as to his or her overtime pay protection under the proposed regulation;

(E) determine the impact of the proposed regulation on the access of individuals to health care based upon the impact the proposed regulation has on nurses and pharmacists, and the impact that such regulation has on fundamental security occupations of first responders such as police, firefighters, and paramedics;

(F) identify how the proposed regulation would affect enforcement and compliance actions of the Department of Labor;

(G) make recommendation to simplify the definitions of professional or managerial duties that exempt workers from overtime requirements so that they have a greater ability to know in advance what their expectations should be;

(H) identify new and emerging specialty positions in the modern workplace that require clarification of their status with respect to the profession employees exemption to the overtime requirements;

(I) review the need to update the exemption to the overtime requirements for computer workers;

(J) examine the merits of an income ceiling above which workers would be exempt from the overtime requirements;

(K) review the salary levels used to trigger the regulatory tests for overtime compliance, including the merits and drawbacks of indexing such levels for inflation;

(L) consider what kind of limited or conditional ''docking'' flexibility would provide employers with alternatives to termination and to week-long suspensions without being used as a subterfuge to evade or undermine the salary test with respect to overtime requirements;

(M) identify obstacles small businesses may face in achieving compliance or correction with respect to the overtime requirements and develop a means to overcome those obstacles;

(N) clarify the definition of ''workplace conduct'' so that employers and employees know whether dangerous or abusive situations, such as harassment or violence off the employer's premises can, nevertheless, be addressed in a manner consistent with the Fair Labor Standards Act of 1938;

(O) identify ways in which employers can satisfy the requirement that policies regarding workplace conduct be in writing to permit the use of other forms of notice or other technologies for communications while ensuring that notice is fairly provided to workers;

(P) identify ways to improve the availability of the proposed safe harbor means of demonstrating compliance with the overtime regulations by clarifying that such regulations are intended to parallel existing legal requirements for discrimination or labor law cases and not to prompt new litigation or confusion; and

(Q) study other issues determined appropriate by the Commission.

(2) REPORT.—Not later than July 30, 2004, the Commission shall prepare and submit to the Secretary of Labor, the appropriate committees of Congress, and the general public a report concerning the study conducted under paragraph (1). The report shall include the findings and recommendations of the Commission with respect to the matters described in subparagraphs (A) through (Q) of paragraph (1).

(3) EFFECTIVE DATE OF REVISED REGULATIONS.—The Secretary of Labor shall ensure that the effective date for any proposed modifications to the regulations relating to the overtime requirements under the Fair Labor Standards Act of 1938 is not earlier than 60 days after the date on which the report is submitted under paragraph (2).

(d) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section. The Commission shall, to the maximum extent possible, use existing data and research prior to holding such hearings.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION; TRAVEL EXPENSES.—Each member of the Commission shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) STAFF AND EQUIPMENT.—The Department of Labor shall provide all financial, administrative, and staffing requirements for the Commission including—

(A) office space;

(B) furnishings; and

(C) equipment.

(f) TERMINATION OF THE COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (c)(2).

By Ms. COLLINS (for herself and Mr. PRYOR):

S. 1612. A bill to establish a technology, equipment, and information transfer within the Department of Homeland Security; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to reflect on the terrorist attacks of 2 years ago, and to remember those who lost their lives or their loved ones on that tragic day. We also pause to honor the heroes who came to the rescue that day: our firefighters, police officers, and emergency workers.

Two years ago, a brilliant late-summer Tuesday morning turned without warning into a horror of fire, smoke and chaos. Just another workday suddenly became a day of unimaginable loss, courage and sacrifice. What happened in New York City, Washington and Pennsylvania 2 years ago ensured that September 11 would be forever a solemn anniversary we will observe with reverence and reflection. It is a date we will keep in our places of worship, in our streets and public parks, certainly in our hearts.

This second anniversary also is an appropriate time for assessment. While the terrorist attacks told us much about the strength of our people, they also revealed many weaknesses—in planning, cohesiveness and cooperation—in our government. The question we in government must answer today is whether our planning is more comprehensive, preparedness more effective, and the interactions among the various agencies of government more cohesive and cooperative.

Since September 11, 2001, the Federal Government has worked to forge a new relationship with State and local governments. During the past 2 years, Congress has provided $11 billion to States and localities to help equip and train their police, fire, and emergency personnel. Federal experts have trained more than 450,000 State and local first responders and conducted nearly 450 training exercises throughout the country. These efforts have better equipped our communities and first responders to respond to a terrorist attack.

But we must do more to help first responders become first preventers—to help them apprehend terrorists and thwart attacks before they happen. Our communities requires more than decontamination equipment to treat those affected by a dirty bomb—we need to give our law enforcement agencies innovative monitoring technologies to thwart terrorists before they strike.

As the Portland Press Herald reported just last week, ''While [Maine] is better equipped to respond to a chemical strike or ''dirty'' radioactive bomb, little has been spent to prevent such an attack.'' The legislation I am introducing today is aimed squarely at prevention.

The Homeland Security Act established a framework to research and develop new advanced counter-terrorism technologies. The Homeland Security Appropriations bill passed by the Senate just a few months ago will provide the millions needed to fund this effort. Many other agencies, both within and outside the Department of Homeland Security, are developing technologies that could be used to prevent future terrorist attacks.

I am pleased to introduce legislation with my colleague from Arkansas, Senator PRYOR, which would help the Department quickly identify and transfer cutting edge counter-terrorism technologies and equipment to the front lines. Under our legislation, the Director of the Office for Domestic Preparedness, working with State and local law enforcement officials, the Science and Technology Directorate, and other Federal agencies will identify counter-terrorism technologies with the potential to significantly assist the law enforcement community.

Once these technologies have been identified, State and local law enforcement agencies can apply to receive these technologies and equipment directly from the Department of Homeland Security. For example, those law enforcement agencies protecting borders, cargo ports, and other freight transportation links will be able to secure advanced detection and monitoring equipment that may not be purchased using other Office for Domestic Preparedness funds. This program, then, will fill in the technology gaps between traditional homeland security assistance programs.

This is not another open-ended grant program. Rather, the counter-terrorism technologies and equipment themselves will be available from a catalog of items proven to work. Transferring the technology, instead of providing a monetary grant, will enable ODP to provide the appropriate training to law enforcement officials.

Our legislation is modeled after a program that works—the successful Technology Transfer Program within the Counterdrug Technology Assessment Center. Since 1998, this program has provided nearly five thousand pieces of equipment to roughly twenty percent of the Nation's State and local law enforcement agencies. It has also operated efficiently: administrative costs run less than 10 percent of the total funding per year.

I commend Secretary Ridge for his outstanding efforts on the monumental challenge of incorporating nearly two-dozen agencies into the new Department of Homeland Security. But just as it is our first responders who are on the front lines when terrorism strikes, it is our law enforcement community, our ''first preventers,'' who can best thwart terrorism before it occurs. We must build on Secretary Ridge's efforts by helping to ensure that our state and local law enforcement agencies have the equipment and training they need.

I am pleased to have the support from police chiefs and sheriffs across America. In fact, the National Sheriffs' Association, the International Association of Chiefs of Police, and the Major City Policy Chiefs have already voiced their support for this legislation.

A few weeks ago, the Port Authority of New York and New Jersey released transcripts of the 911 tapes from that awful day, more than 1,800 tragic pages that tell an inspiring story of everyday people responding as extraordinary heroes. We in government must not forget that story as we proceed with the difficult task we have undertaken, one that may never be finished but that must progress. Let every September 11, then, be both a day of remembrance and a day when we commit ourselves to better protect the citizens of this great Nation.